

Firpo Wycoff Carr
4067 Hardwick Street, #330
Lakewood, CA 90712
(513)764-6224
firpocarr@firpocarr.com
Plaintiff In Pro Se

FILED
CLERK, U.S. DISTRICT COURT

SEP 19 2023

CENTRAL DISTRICT OF CALIFORNIA

BY: _____ rsm _____ DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DR. FIRPO WYCOFF CARR, PHD

Plaintiff,

vs.

UNITED STATES OF AMERICA,
UNITED STATES DEPARTMENT OF
JUSTICE, FEDERAL BUREAU OF
INVESTIGATION, and Does 1-10
Defendants.

Case No.: 2:23-cv-01813-ODW-MAA1

**COMPLAINT FOR BIVENS CLAIMS
UNDER THE UNITED STATES
CONSTITUTION AND FOR
FEDERAL TORT CLAIMS ACT**

(AMENDED)

[DEMAND FOR JURY TRIAL]

COMES NOW, Plaintiff DR. FIRPO WYCOFF CARR, PHD (“DR, CARR”), who
alleges causes of action against Defendants FEDERAL BUREAU OF INVESTIGATION
(“FBI”), UNITED STATES DEPARTMENT OF JUSTICE (“DOJ”), and DOES 1-10,
inclusive, as follows:

I. INTRODUCTION

1. This is an action for injunctive relief and declaratory relief and damages in
that the Plaintiff was denied his rights under the Fourth, Fifth, and Fourteenth

1 Amendments of the Federal Constitution and under California Law. As a result of
2 traveling to Communist Red China three times, Defendants stole Plaintiff's computers in
3 hopes of finding files that would incriminate him as a foreign spy for the Chinese
4 government, which caused Plaintiff irretrievable damage to his professional and personal
5 life. Plaintiff requests a jury trial.
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8 2. The claims herein are additionally brought pursuant to the Federal Tort
9 Claims Act (28 U.S.C. § 2671, et. seq. and 1346(b)(1)) for money damages as
10 compensation for loss of property and personal injuries that were caused by the
11 misconduct of FBI agents, inter alia, intentional infliction of emotional distress, negligent
12 infliction of emotional distress, conversion, negligence, and invasion of privacy, while
13 acting within the scope of their offices and employment, under circumstances where the
14 Defendant United States of America, if a private person, would be liable to the Plaintiff
15 in accordance with the laws of the State of California.
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19 3. All of the foregoing claims are based on the unlawful treatment of Plaintiff
20 by Defendants FEDERAL BUREAU OF INVESTIGATION ("FBI") and UNITED
21 STATES DEPARTMENT OF JUSTICE ("DOJ").
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23 II. JURISDICTION AND VENUE

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25 4. This Court has jurisdiction of this action pursuant to 28 U.S.C. §§ 2671,
26 1331, 1343(a)(3), 1343(a)(4), 1346(b), and 1367, 1402(b), 2401(b), and §§2671-2680.
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1 5. Plaintiff has fully complied with the provisions of 28 U.S.C. § 2675 of the
2 Federal Tort Claims Act (FTCA).

3 6. This suit has been timely filed and Plaintiff has exhausted all administrative
4 remedy. In Plaintiff's original complaint, he sought judicial review after being
5 purposefully ignored by the DOJ after numerous attempts to get answers. Disregarding
6 Plaintiff rendered the DOJ's decision as being "final" under § 10(c) of the APA, 5
7 U.S.C.S. § 704 (*Darby v. Cisneros* | Case Brief for Law School | LexisNexis). It became
8 abundantly clear to Plaintiff that "further administrative review would have been futile,"
9 including the submission of The Standard Form 95 (Plaintiff presents a sum certain in the
10 present document), used when filing a federal tort claim, and that the decision-maker at
11 the DOJ "would have abused his discretion by indefinitely extending the time limitations
12 for administrative review" (*Darby v. Cisneros* Case Brief for Law School LexisNexis) to
13 avoid potentially jeopardizing the FISA warrant arrangement. In this regard, Plaintiff has
14 fully complied with the provisions of 28 U.S.C. § 2675 of the Federal Tort Claims Act
15 (FTCA). "Were courts free to impose an exhaustion requirement as a rule of judicial
16 administration where agency actions had already become 'final' under § 10(c) of the
17 APA, 5 U.S.C.S. § 704? g ANSWER: No" (*Darby v. Cisneros* | Case Brief for Law
18 School | LexisNexis). Ultimately, "The Court held that the exhaustion doctrine continued
19 to apply as a matter of judicial discretion in cases not governed by the APA" (*Darby v.*
20 *Cisneros* | Case Brief for Law School | LexisNexis). Plaintiff humbly requested the Court
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1 to exercise its judicial discretion in this unusual FISA warrant case, which is “not
2 governed by the APA,” and allow this lawsuit to proceed. Plaintiff is grateful that the
3 Court gave its consent to proceed (ECF 7).
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5 7. Venue is appropriate in the Central District of California under 42 U.S.C. §
6 2000 *et seq.* in that the unlawful conduct complained of and the employment records
7 relevant to such conduct are maintained and administered in the Central District of
8 California. Venue is also proper under [28 U.S.C. § 1391\(e\)\(1\)\(2\)](#) in the Central District as
9 it is the place where Defendants reside and where a substantial part of the acts or
10 omissions occurred.
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13 III. PARTIES

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15 8. **Plaintiff** Dr. Carr is a law-abiding senior African American male
16 approaching age 70 with no criminal record who is a Los Angeles native hailing from
17 South Central Los Angeles and residing in the County of Los Angeles. As a research
18 psychologist who has studied medicine and who specializes in the mental health of
19 surgeons, he is a member in good standing with the American Psychological Association
20 (“APA”), the American Medical Association (“AMA”), and the American College of
21 Surgeons (“ACS”).
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25 9. Dr. Carr has authored several books and has a registered trademark with the
26 United States Patent and Trademark Office (“USPTO”). He has also traveled to over 80
27 countries, lands, and islands of the sea. He is a seminary-trained ordained minister with a
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1 Ph.D. in Computer Information Systems, a Ph.D. in Health Psychology, a Master of Arts
2 in Management, a Master of Arts in Urban Ministry, and a Bachelor of Arts in
3 Information Systems Management. As a Health Psychologist, he volunteered to write
4 curricula and teach courses in health, critical thinking, and Bible studies at Union Rescue
5 Mission (URM) on Skid Row in downtown Los Angeles. He also taught these courses at
6 URM's Hope Gardens Family Center facilities for elderly women and single mothers
7 with children in Sylmar, California.
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10 10. Dr. Carr received worldwide recognition for his 300-page dissertation with
11 300 references titled, "Exploring Surgeons' Attitudes and Behaviors Toward the
12 Bloodless Policy and Emergency Treatment of Jehovah's Witnesses Relative to Patient-
13 Centered Care and Evidence-Based Medicine: A Multiple-Case Study." In a letter dated
14 March 27, 2023, ProQuest, a well-respected global information-content and technology
15 company, wrote Dr. Carr: "Congratulations! We are excited to inform you that your work
16 is being accessed by other researchers and libraries around the world. As a result of their
17 interest in your work you have earned a royalty payment from purchases of your
18 dissertation or thesis through ProQuest in all formats, including downloads, print, and
19 microfilm."
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22 11. Dr. Carr teaches at the University of Phoenix (30 years and counting) and
23 has taught at the University of California at Los Angeles ("UCLA") Extension and
24 Mount Saint Mary's College (now Mount Saint Mary's University), also in Los Angeles.
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1 He spent ten years (1994-2004) as a civilian employee with the Los Angeles Police
2 Department (LAPD), starting as a Systems Analyst II with expertise in cybercrime. He
3 was later promoted to Assistant-Officer-In-Charge (“AOIC”).
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5 12. At that time, Dr. Carr received 80 hours of training while attending LAPD
6 Detective School, which covered various topics such as Terrorism Awareness, and
7 received a certificate upon completion, after which he trained LAPD detectives on the
8 Detective Case Tracking System (“DCTS”). Before joining the LAPD, International
9 Business Machines (IBM) hired Plaintiff as a Customer Engineer, after which he received
10 extensive training during his ten years (1979-1989) with the company.
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13 13. Because of his computer proficiency, Dr.Carr was subpoenaed as an expert
14 witness for the LAPD and appeared before Judge Lance Ito in 2002. Judge Ito had
15 presided over the O.J. Simpson murder trial in 1995, and his wife, Margret York, was the
16 first woman to be promoted to Deputy Chief in the LAPD in 2000 when Plaintiff was
17 with the Department.
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20 14. Regarding Dr. Carr’s involvement in the September 11, 2002, memorial
21 services, the following letter was received from Department psychologist Dr. Kevin
22 Jablonski, Commanding Officer of Behavior Sciences Services of the LAPD, and the
23 Interfaith Remembrance Service Coordinator, on October 17, 2002:
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26 15. “Dear Firpo: I want to thank you once again for the outstanding job you did
27 as our announcer for the September 11th Interfaith Remembrance Service. Your
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1 presentation was strong and articulate and your intonation appeared very much tempered
2 to the mood of the Service. I received a number of compliments about you from those in
3 attendance, including many elected officials. As you may recall, we made every effort to
4 facilitate a good turnout of clergy, elected officials, foreign dignitaries and residents of
5 the Greater Los Angeles area. In the end, it appears that we had over 5,000 attendees and
6 clearly many more that watched the Service as it was televised live on the Fox Network
7 and CNN. Over 220 clergy were present representing over 30 different religious
8 denominations. This included many of the titular heads of the local churches, elected
9 officers of religious organizations and many more reverends, rabbis, swamis, nuns,
10 imams and other clergy. Seventy-three different foreign dignitaries were present
11 representing over 60 different countries. Mayor James Hahn and 13 members of the Los
12 Angeles City Council were also in attendance as were five of the elected county officials
13 and the general managers of many City, County and State Offices, including Chief
14 Pomeroy and Chief Bamattre. Our Department was represented by the presence of over
15 100 sworn officers and a significant number of employees attended the Service. In all, the
16 Service appears to have moved a great many people. Thank you for (literally) lending
17 your voice to those of many others in helping make this Service a success. Kevin.”

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25 16. Dr. Carr’s accomplishments as an author and university instructor have been
26 admired by the likes of former President Bill Clinton, who excitedly received a copy of
27 his best-selling book, *Germany’s Black Holocaust: 1890-1945* (see Exhibit 1), and
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1 former Florida Governor Jeb Bush (son of President George H. W. Bush and brother of
2 President George W. Bush) who congratulated Plaintiff on his triumphs as a university
3 instructor (see Exhibit 2). Over 200 students testify as to Dr. Carr's character and skills as
4 a teacher. ([Student Testimonials – The “New” Official Web Site of Firpo Carr](#))

6 17. Dr. Carr was trained and received certification on the California Law
7 Enforcement Telecommunications System (“CLETS”), a computer network primarily
8 maintained by Defendant FBI that gives police departments access to national databases.
9 Also, Dr. Carr's computer training includes being trained and certified on the FBI's
10 National Crime Information Center (“NCIC”) computerized database. The FBI's website
11 reads regarding this center: “NCIC has operated under a shared management concept
12 between the Federal Bureau of Investigation (FBI) and state and federal criminal justice
13 users since its inception. The FBI provides a host-computer and telecommunication
14 network to the control terminal agency in each of the 50 states, the District of Columbia,
15 Puerto Rico, the U.S. Virgin Islands, Guam.” Furthermore, Plaintiff attended mandatory
16 training to become familiar with the FBI's Criminal Justice Information Services (CJIS).
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22 18. **Defendant** United States of America is subject to answer for wrongs
23 committed in this judicial district.
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25 19. **Defendant** DOJ is a Department of the United States federal government,
26 has offices throughout the nation, and is subject to answer for wrongs committed in this
27 judicial district.
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1 20. **Defendant** FBI operates under the supervision and direction of the DOJ, and
2 has offices throughout the nation, and is subject to answer for wrongs committed in this
3 judicial district.
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5 21. The true names and capacities of DOE Defendants 1 through 10, inclusive,
6 whether individual, corporate, associates or otherwise, are unknown to Plaintiff at the
7 time of filing this Complaint and therefore Plaintiff sues said Defendants under such
8 fictitious names. When their true names and capacities are ascertained, Plaintiff will
9 amend this Complaint by inserting their true names and capacities herein. Plaintiff is
10 informed and believes and thereupon alleges that each of the fictitiously named
11 Defendants is responsible in some manner for the occurrences herein alleged, and
12 Plaintiff's damages as herein alleged were proximately caused by such Defendants.
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16 22. Plaintiff is informed and believes, and thereupon alleges, that at all times
17 herein mentioned each of the Defendants was the agent, employee and servant of each of
18 the remaining Defendants, and in doing the things hereinafter alleged, was acting within
19 the scope of such agency, employment, and servitude, with the knowledge and consent of
20 each of the Defendants. Whenever this Complaint makes references to "Defendant,"
21 "Defendants," such allegations shall be deemed to mean the acts of the Defendants
22 acting individually, jointly, and/or severally.
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IV. General Allegations

23. On November 26, 2022, between 6:00 and 6:30 p.m., an undercover Special Agent from the Federal Bureau of Investigation (FBI), Los Angeles Field Office, working under the auspices of a Foreign Intelligence Surveillance Act of 1978 (FISA) warrant of which Plaintiff, a law-abiding African American male who is approaching age 70 with no criminal record who is suspected of being a spy for the Communist Red Chinese government is the subject, posed as a person experiencing homelessness and, exceeding his authority, stole the following items from Plaintiff when Plaintiff momentarily stepped away from the table he sat at while dining at Panera Bread (Café #1376), 11300 South Street, Cerritos, California 90703: one laptop computer, a Microsoft Surface Pro4, a Samsung A32-SG android phone (number ending in 8440), a Samsung Tab A computer tablet, a set of HyperX headphones, and a beige satchel. Ultimately, the Special Agent worked with others, including Sonya, the manager on duty at the time, who is unknown to Plaintiff. Defendants have been heavily surveilling, stalking, and cyberstalking Plaintiff as if he were a criminal with something to hide since 1989. More recently, they tracked him to his job at the University of Phoenix, where they accidentally exposed their distinctive FBI Wi-Fi logo (see Exhibit 3).

A. FBI Cyber Ops: Criminal Investigators and Disruptors.

24. The FBI's organizational chart shows that the "Cyber Division" of the FBI operates under the umbrella of the "Criminal, Cyber, Response and Services Branch"

1 along with the “Criminal Investigative Division,” and the “International Operations
2 Division.” ([Department of Justice | Federal Bureau of Investigation Organization Chart](#)).
3 Without any doubt, Defendants FBI and DOJ clandestinely pursued Plaintiff, acting as
4 judge and jury in deciding that he was a criminal. To be sure, at least one FBI Cyber
5 Operations team has tracked Plaintiff’s online activity and has interfered or otherwise
6 tampered with and intercepted Plaintiff’s innocuous email transactions for years,
7 wherever he goes. Defendants have a sordid history of such activities as will be shown in
8 this Complaint.
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12 25. After stealing Plaintiff’s computers from Panera Bread and meticulously
13 scrutinizing files on his local drive and copying and then erasing files in his cloud drives
14 for several months between November 26, 2022, and February 28, 2023, Defendants
15 found no incriminating evidence of Plaintiff being a spy for the Red Chinese
16 Government.
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19 26. Having grown even more desperate, Defendant FBI cyberstalked Plaintiff to
20 his work location at the Ontario, California campus of the University of Phoenix. At 8:50
21 p.m. on the evening of March 1, 2023, Plaintiff discovered and took a cellphone
22 photograph of the unique FBI Wi-Fi icon that read, “FBI Cyber Ops Tm 6⁷” as referenced
23 above. (See Exhibit 3.) Again, such aggressive cyberstalking indicated that Defendants
24 were convinced that Plaintiff was a criminal, spying for the Chinese.
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B. Plaintiff's Panera Bread Precursor Encounter with FBI Agent.

27. Defendants had stalked Plaintiff to Panera Bread Cerritos before they stole his computers on November 26, 2022. They staked out this location when they became aware that it was one of his favorite hangouts for doing the work of grading papers and working on his books. One of Panera's managers acknowledged this fact.

28. On Monday, November 28, 2022, two days after the theft, Panera Bread manager Dante, who was off work during the evening of the theft and to whom Sonya reports, left the following voicemail on Plaintiff's cell phone number ending in 6224:

29. "Hi Firpo, this is Dante from Panera Bread. I was calling to talk to you about what happened on Saturday [November 26, 2022. First, I'd like to apologize. We've done something that we hope doesn't happen, and I know you typically feel safe in the cafe, so I do apologize about that situation. But we're trying to do what we can to help you. So, I just had a couple of questions regarding that night." This well-intended message reminded Plaintiff of the enormity of his loss, exacerbated by the knowledge that Dante's underling, Sonya, was very likely complicit.

30. Dante's considerate message triggered a memory Plaintiff had of an earlier attempt to steal Plaintiff's property while he dined at Panera on September 26, 2022, two months to the day before the November 26, 2022, theft by an FBI Special Agent. Plaintiff left his equipment to go to the restroom as he had done before,. Upon returning, Plaintiff startled a man who had suddenly appeared and was hovering around Plaintiff's

1 computers. The man quickly smiled and then initiated a conversation, apparently to give
2 the impression of normality. The stranger spoke with an accent that turned out to be
3 Iranian. Being especially suspicious, given the strained relationship between the U.S. and
4 Iran, Plaintiff decided to send the following email (again, dated September 26, 2022) to
5 the FBI regarding the strange encounter and to other local and nearby law-enforcement
6 agencies just in case the man was an undercover FBI agent:
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9 31. “Dear FBI, I met a man at Panera Bread in Cerritos, California identifying
10 himself as an Iranian academic, who specializes in African American issues. Being
11 impressed that he ‘guessed’ that I was an academic, I gave him my business card. Indeed,
12 I am an African American Academic. With all of the turmoil happening in Iran, and
13 given my extensive international travels, I thought it would be a good idea to forward his
14 emails since meeting him could give the impression that I am somehow colluding with
15 him. As a God-fearing man who was formally in law enforcement, as a civilian employee
16 with the Los Angeles Police Department (LAPD), I greatly appreciate the efforts of the
17 Federal Bureau of Investigation. Kind regards, Firpo Carr, PhD. P.S. The LAPD... and
18 the Los Angeles County Sheriff’s Department (LASD) are being copies on this
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1 Special Agent's theft of his computers and other belongings on November 26, 2022.

2 Dante apparently was not privy to such information. However, the person to whom Dante
3 reported, General Manager Guillermo Flores, whom Plaintiff had never met, seemed to
4 have full knowledge of the FBI-Panera Bread connection. This fact, unwittingly, worked
5 in Plaintiff's favor insofar as FISA warrant documentation was concerned.
6

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8 **C. Non-Party Panera's Recorded Confession Implicating Defendant FBI in**
9 **Connection with FISA Warrant Documentation.**

10 33. In response to Plaintiff's order to compel, served after a documents
11 subpoena was served but only partially fulfilled, non-party Panera confessed to
12 possessing FISA warrant documentation received from the FBI directly connecting
13 Defendant with the theft of Plaintiff's computers and related items on the evening of
14 Saturday, November 26, 2022. After consulting with Panera headquarters, General
15 Manager Guillermo Flores consented to being recorded. The transcript of the recorded
16 confession, contained in Plaintiff's declaration dated June 27, 2023 [**Mot. to Comp,**
17 **Decl, pars. 4-18, ECF 36**], is presented herewith:
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22 *Plaintiff [Pre-written question]: "As specified in the subpoena, has Panera Bread*
23 *made available for Plaintiff—that would be me a copy of `all company*
24 *correspondents and documentation related to this matter?"*
25

26 *Manager: "Yes it's been sent to them already, so we just [crosstalk]"*

27 *Plaintiff: ... [crosstalk] ... "or make a copy for me?" ...*
28

1 Manager: “Yeah, they’re going to make a copy for you.”

2 Plaintiff: “Okay. You do realize that it was supposed to be ready today?”

3 Manager: “Yeah, I didn’t really realize that. So, my apologies for that.”

4 Plaintiff: “I see.”

5 Manager: “But it’s been, it’s getting being done, so...”

6 Plaintiff: ... [crosstalk] ... “How soon can I expect that?”

7 Manager: “Ah, once they respond to you, I can go ahead call you back, and then
8 get that ready for you, and they’ll let me know when they’ll give it to you.”

9 Plaintiff: “Okay. Are we talking a month? a week?”

10 Manager: “No, no, no, no, no. It should be days, a couple of days, yeah.”

11 Plaintiff: “Okay. Alright then. Thank you very much.”

12 Manager: “You’re welcome.”

13 Although Manager said that I would receive the documentation in “a couple
14 of days,” [i]t has been well over a couple of months since our conversation, and I
15 have not receive any documents.

16 In summary, I am asking the Court to compel Panera Bread to produce all
17 documents that involve or mention me, the FBI, or the DOJ concerning the
18 November 26, 2022, incident of the theft of items as plainly detailed in the
19 subpoena. Panera promised to produce said documentation in “a couple of days”
20 after April 14, 2023 but never did so.

D. Magistrate Judge Maria A. Audero Misled by Non-Party Panera Regarding FISA Warrant Documentation.

34. In its effort to hold on tenaciously to Defendant FBI's FISA warrant documentation, non-party Panera acted in bad faith when communicating with the Court as the following dialogue shows that occurred on July 18, 2023, during an Informal Discovery Conference called by Magistrate Judge Maria A. Audero in response to Plaintiff's Motion to Compel the Production of Documents.

Judge Audero: "Is it correct that you have not received that -- the documents yet?"

Plaintiff: "That is correct. Yes, your Honor."

Judge Audero: "Okay. Because as you are aware, based on my order I received an email from Panera saying, 'We've made arrangements to be compliant with the subpoena on this date.' But I think -- I can't remember the exact date. But nevertheless -- and, so, you know, 'Please take this informal discovery conference off the record.' So, that's why I'm asking -- It sounded like they were going to be compliant, but it sounds like you're reporting to the Court that they have not produced the documents yet."

Plaintiff: "That is correct. ... No, the documents have not been forthcoming, your Honor."

35. Plaintiff has yet to receive the damning FISA documentation that Panera promised him and the Court. It has been several months since Panera was served the

1 subpoena, yet, after broken promises, deflection, and otherwise acting in bad faith,
2 Plaintiff is still not in possession of the incriminating documents.

3 **E. Three Countries Spark FISA Warrant Justification.**
4

5 36. Of the over 80 lands that Plaintiff has traveled to conduct research, three are
6 standouts: China, the Soviet Union, and Cuba. In order of significance, these countries
7 have a capricious relationship with the U.S. and perhaps justifiably prompted red flags in
8 the FBI's system when Plaintiff visited them.
9

10 37. China: After touring India to study Hinduism, Buddhism, Jainism, and
11 Sikhism firsthand, Plaintiff made one of his three trips to China for an up close and
12 personal look at Confucianism and Daoism. He had taught these Eastern religion
13 courses—as well as the Western religions of Judaism, Christianity, and Islam at the start
14 of his career as a university instructor in 1994.
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16

17 38. Given that tension between the U.S. and China has intensified in recent
18 years, the FBI capitalized on Plaintiff's trips there as an opportunity to frame him for
19 spying for the Chinese. This became evident in email exchanges between Plaintiff and
20 Dr. Don K. Nakayama, a fellow American College of Surgeons (ACS) member and
21 editor of *The American Surgeon*. Defendants, who have a history of doctoring emails and
22 intercepting mail coursing through the United States Postal Service, photoshopped Dr.
23 Nakayama's email photo to make him appear to be in the Red Chinese military. This
24 situation is expanded on below.
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1 39. Soviet Union: Moreover, after assisting the Soviets in modernizing the
2 catalog at what was then called the Saltykov-Shchedrin State Public Library in Leningrad
3 during his travel to the Soviet Union, January 1 – 14, 1989, the Soviets declared Plaintiff
4 their “Honored Guest.” They then allowed Plaintiff to take, for the first time, color
5 photographs of pages from the world’s oldest, most complete Hebrew Bible (Old
6 Testament), the *Codex Leningrad B 19a*. This newsworthy event captured the attention of
7 various news organizations, including the *Los Angeles Times* (August 4, 1990, “Southern
8 California File,” by John Dart, Religious Writer) and *Biblical Archaeology Review*
9 (September/October 1992, Vol. 18, No. 5, “Firpo W. Carr Was First”).
10
11

12 40. Cuba: President Fidel Castro, who had a keen interest in education and
13 cultural studies, arranged for Plaintiff to speak to the Cuban people on state-run national
14 television after he discovered that Plaintiff had read and studied *Webster’s Ninth New*
15 *Collegiate Dictionary* in 1994 and subsequently documented the consistent thread of anti-
16 Black racism in his book *Wicked Words: Minds Racism in the Dictionary* (1997).
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19 41. Plaintiff reiterates that while it is understandable that Defendants would flag
20 Plaintiff as a person of interest because of travels to these countries, there is never a
21 justification for infringing on Plaintiff’s civil rights, FISA warrant or not.
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24 42. That Plaintiff traveled to China for academic research, to the Soviet Union to
25 study biblical manuscripts, and to Cuba to analyze the socio-cultural dynamic when
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1 juxtaposed with life in America was undoubtedly at the core of a FISA judge's decision
2 to grant a FISA warrant wherein Plaintiff is the subject.

3 43. However, Plaintiff is convinced that it was not the intent of the FISA judge
4 to grant the FBI permission to break the law by stealing Plaintiff's cherished research
5 contained in his computer files. More specifically, Plaintiff also feels that his visits to
6 these countries notwithstanding, the FISA judge's decision does not give the FBI a
7 license to find Plaintiff guilty of espionage against the United States of America,
8 primarily provided that, until the present, the U.S. still permits travel to these
9 destinations. In short, the FBI has conspired to injure Plaintiff, to procure him to be
10 charged or arrested for espionage.
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15 **F. Plaintiff's Case Threatens Congressional FISA Reauthorization**

16 44. Defendant FBI's egregious abuse and illegal use of the FISA warrant is at
17 the heart of Plaintiff's complaint. Significantly, "Section 702 allows for the warrantless
18 surveillance of foreign nationals outside the United States, even as they communicate
19 with U.S. citizens on domestic soil. It's a feature that many fear allows intelligence
20 agencies to keep tabs on U.S. citizens without securing a warrant [emphasis supplied]."
21 ([FISA 702 searches of foreign nationals tick up, amid major drop in US citizen queries | The Hill](#)).¹
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27 ¹ Plaintiff notes that while newspaper articles are generally considered
28 "hearsay," such is not always the case. In other words, there are exceptions to the
rule (286 F23d 388 (5 Cir. 1961.)) "In a recent decision, the Court of Appeals for
the Fifth Circuit held that an exception to this exclusionary rule will be made

1 45. As clearly shown in the next section of this complaint, the FBI undeniably
2 manipulated Plaintiff's email to make it seem that he was in communication with a
3 "foreign national outside the Uni States," in this case a Chinese military officer (Dr. Don
4 K. Nakayama mentioned above and discussed in more detail below), to allow them to
5 keep tabs on Plaintiff, a U.S. citizen, "without securing a warrant." Defendants are
6 growing more desperate as Congress weighs reauthorization of Section 702, given that
7 FISA is set to expire this December 2023.

10 **(a) Rampant FISA Abuses by Defendant FBI According FISA Court Chief**
11 **Judge and Defendant DOJ.**

12 46. Chief Judge James E. Boasberg, Presiding Judge, United States Foreign
13 Intelligence Surveillance Court, wrote regarding Defendant DOJ: "Thanks in large part to
14 the work of the Office of the Inspector General, U.S. Department of Justice, the Court has
15 received notice of material misstatements and omissions in the [FISA] applications filed
16 by the government." (See Exhibit 5).

17 47. Defendant DOJ criticized Defendant FBI regarding a FISA abuse: "In the
18 rush to obtain and maintain FISA surveillance of Trump campaign associates, FBI
19 officials misled the FISA court, omitted critical exculpatory facts from their filings, and
20 suppressed or ignored information negating the reliability of their principal source,' the

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27 where the evidence in question is necessary and the circumstances under which the
28 declaration was made provide guarantees of trust worthiness. In *Dallas County v.*
Commercial Union Assur. Co."

1 attorney general said in his statement. ‘The Inspector General found the explanations
2 given for these actions unsatisfactory.’ In a statement, FBI Director Christopher Wray
3 said the FBI ‘accepts the report’s findings and embraces the need for thoughtful,
4 meaningful remedial action. I have ordered more than 40 corrective steps to address the
5 report’s recommendations.’” ([Internal Justice watchdog finds that Russia probe was
6 justified, not biased against Trump \(nbcnews.com\)](#)).

9 48. Defendant DOJ further disparages Defendant FBI on the former’s official
10 website by candidly publishing:

12 49. “Among the most important are the requirements in FBI policy that every
13 FISA application must contain a ‘full and accurate’ presentation of the facts, and that
14 agents must ensure that all factual statements in FISA applications are ‘scrupulously
15 accurate.’ These are the standards for all FISA applications, regardless of the
16 investigation’s sensitivity, and it is incumbent upon the FBI to meet them in every
17 application. The FBI fell far short of these standards in the applications targeting Carter
18 Page, even though the FBI recognized that these applications would be subject to greater
19 scrutiny than most FISA applications. In addition, we identified numerous instances of
20 non-compliance with the FBI’s factual accuracy review procedures (the ‘Woods
21 Procedures’) in connection with the four Carter Page FISA applications.” ([Statement of
22 Michael E. Horowitz Inspector General, U.S. Department of Justice before the U.S.
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28](#)

House of Representatives Committee on Appropriations Subcommittee on Crime and Federal Government Surveillance concerning “Fixing FISA: How a Law Designed to Pr.)

50. As stated here, “The FBI fell far short of acceptable standards” with regard to FISA applications. Also, there were “numerous instances of non-compliance with the FBI’s factual accuracy review procedures.”

51. It has also been documented that “The FBI exploited FISA to target 19,000 donors to the campaign of an unnamed candidate who challenged an incumbent member of Congress. An FBI analyst justified the warrantless searches by claiming ‘the campaign was a target of foreign influence,’ but even the Justice Department concluded that almost all those searches violated FISA rules. (In March, Rep. Darin LaHood (R-Ill.) revealed he had been wrongly targeted by the FBI in numerous FISA 702 searches — but he wasn’t the challenger mentioned here.) The FBI also conducted secret searches of the emails and other data of 133 people arrested during the 2020 protests after George Floyd’s killing. And the bureau conducted 656 warrantless searches to see if it could find any derogatory information on people it planned to use as informants.” ([The FBI just got caught in yet more massive, outrageous FISA abuses \(nypost.com\)](#)).

52. Plaintiff was disheartened to learn that in addition to him, Defendants FBI and DOJ have ravaged the lives and invaded the privacy of thousands of law-abiding American citizens.

///

(b) FBI Manipulates Email in Attempt to Frame Plaintiff as Spy for China.

53. Given that tension between the U.S. and China has intensified in recent years, the FBI capitalized on Plaintiff's trips there as an opportunity to frame him for spying for the Chinese. This became evident in email exchanges between Plaintiff and Dr. Don K. Nakayama, as briefly mentioned twice above, a fellow American College of Surgeons (ACS) member and editor of the journal *The American Surgeon*.

54. On **December 13, 2022**, at 10:43 p.m., Plaintiff wrote the following email: "Dear Dr. Don K. Nakayama, I hope this email finds you well. I am hoping that you can send me a copy of the manuscript #ASU-22-0636 entitled 'Surgeon Anxiety and Jehovah's Witnesses: Effective Intervention—A Pilot Study,' which I submitted to *The American Surgeon*. I am no longer in possession of the file since both my primary and backup laptops were stolen. Thank you for your time, sir. Kind regards, Firpo Carr, PhD."

55. On **December 14a, 2022**, at 10:24 a.m. Plaintiff wrote the following email: "Dear Dr. Don K. Nakayama, I have received the manuscript that I requested. In her due diligence, Jessica sent it posthaste as per your direction. Thank you very much. Although I presented an updated, more robust version of the manuscript via a PowerPoint presentation at Clinical Congress 2022 this past October, it is beneficial to retain the original. Thank you again for your time and consideration, sir. Kind regards, Firpo."

1 56. On **December 14b, 2022**, at 12:07 p.m., Plaintiff received the following
2 email, allegedly from Dr. Don K. Nakayama: “Thank you. Remember there is a limit of
3 four figures and tables. — DKN.” The brief, nonsensical suspicious, email appears to be
4 spoofed. The email profile photograph of Dr. Nakayama [see Exhibit 6], who is Japanese
5 American [see Exhibit 7], appears to A be deep fake or photoshopped to make him
6 appear to be a Communist Chinese military official wearing the traditional military hat.
7
8

9 57. On **December 14c, 2022**, at 1:01 p.m., Plaintiff sent the following email to
10 his alternate email address, firpocarr@firpocarr.com: “Someone has spoofed this reply
11 email and photo of Japanese surgeon Dr. Don K. Nakayama to make him appear to be a
12 member of the Communist Chinese government. This is an apparent attempt to tie me to
13 the Chinese government. At [sic] it is, I have no ties whatsoever to either the Chinese
14 government or to, any communist government, or any country or nation that the U.S. is
15 an enemy.”
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19 58. As far as Plaintiff knows, there is not now nor has there ever been an online
20 photo of Dr. Nakayama in Communist Chinese military apparel. A stressed Plaintiff
21 concluded that it is improbable that such a sophisticated stratagem to paint Dr. Nakayama
22 as a Communist Chinese military official and tie him to Plaintiff would be employed by
23 “a random homeless man” who is desirous of framing Plaintiff for espionage.
24
25

26 ///

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(b) Defendants' History of Illegally Accessing Mail and Emails.

59. Defendants have an abysmal record of unethical and illegal activity. It has been well documented that Defendants have overstepped their authority directly correlating to Plaintiff's case. It is especially bewildering when an FBI lawyer, an officer of the court, commits a crime in the course of their duties.

60. Regarding the illegal act by an FBI lawyer in another court case, the *New York Times* (May 17, 2023) reports: "There were real-world flaws with the Russia investigation, especially how the F.B.I. botched applications to wiretap a former Trump campaign adviser. But the Justice Department's inspector general, Michael E. Horowitz, found those problems, leaving Mr. Durham with depleted hunting grounds. Indeed, credit for Mr. Durham's only courtroom success, a guilty plea by an F.B.I. lawyer who doctored an email during preparations for a wiretap renewal, belongs to Mr. Horowitz, who uncovered the misconduct [emphasis supplied]." (Analysis: Durham Report Failed to Deliver After Years of Political Hype -The New York Times (nytimes.com~)).

61. Another source states: "The former FBI lawyer who admitted to doctoring an email that other officials relied upon to justify secret surveillance of a former Trump campaign adviser was sentenced Friday to 12 months of probation, with no time behind bars. Prosecutors had asked that Kevin Clinesmith, 38, spend several months in prison for his crime, while Clinesmith's attorneys said probation would be more appropriate. Clinesmith pleaded guilty last summer to altering an email." ([Ex-FBI lawyer Kevin](#)

1 [Clinesmith avoids prison after admitting he doctored email in investigation of Trump](#)
2 [campaign - The Washington Post](#)).

3
4 62. Consistently, as shown, the FBI doctored Plaintiff's email for the nefarious
5 purpose of painting him out as one committing espionage as a Chinese operative. Plaintiff
6 proved that the FBI stalks him online cyberstalking and intercepts and manipulates his
7 emails is clearly evidenced by the cell phone photo of their WIFI network, "FBI Cyber
8 Ops Tm6⁷" that was entered as Exhibit 3 in his complaint.

9
10 63. Unsurprisingly, in the days before emails, the FBI had a record of tampering
11 with mail coursing through the United States Postal Service (USPS). According to the
12 Church Committee, there was "an extensive and illegal mail-opening program run by the
13 CIA and the FBI for more than two decades beginning in the mid-1950s." ([A Brief](#)
14 [History — FBI](#)). The persistent illicit actions of the beleaguered FBI and DOJ should not
15 be ignored relative to Plaintiff's case.

16
17 64. Verifying the moral degradation within FBI ranks is the first-hand
18 observations of a former special agent, as documented in Plaintiff's pleading:

19
20 "According to former Special Agent Nicole Parker, who testified before the House
21 Select Subcommittee on the Weaponization of the Federal Government on this date and
22 made the following statement: 'The Bureau's mission should have remained the same,
23 but its priorities and governing principles shifted dramatically. The FBI became
24 politically weaponized starting from the top in Washington and trickling down to the
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1 field offices,’ including the Los Angeles field office. ([Hearing on the Weaponization of](#)
2 [the Federal Government | House Judiciary Committee Republicans](#)).”

3
4 65. In this same venue, the report states: “Moreover, the Chair of the House
5 Select Subcommittee on the Weaponization of the Federal Government, Representative
6 Jim Jordan, at this same hearing declared: ‘In my time in Congress, I have never seen
7 anything like this. Dozens and dozens of whistleblowers FBI agents coming us, talking
8 about what’s going on, the political nature at the Justice Department.’”
9

10
11 66. Political overtones notwithstanding, the court should not dismiss this case
12 because to do so would condone the illegal, unconscionable behavior of Defendants, the
13 Federal Bureau of Investigation and the United States Department of Justice.
14

15 **G. Plaintiff Attempts to Retrieved Emails Deleted by Defendant FBI.**

16
17 67. After the Plaintiff purchased a new laptop computer from Best Buy, 12118
18 Lakewood Blvd., Downey, California, on Sunday, **November 27, 2022**, the next day
19 after the FBI theft. Having been an instructor at the University of Phoenix (UOPX) who
20 has taught computer-related and other courses for nearly 30 years, Plaintiff attempted to
21 access his two backup cloud drives (One Drive by the University of Phoenix and his
22 personal Google Drive) in hopes of retrieving his files. Plaintiff reasoned that a random
23 “homeless man” would be either satisfied or thrilled with the money he hoped to receive
24 from the computers he stole and would neither likely have the know-how to reach files on
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1 cloud drives nor have any use for said files. To Plaintiff's great disappointment, virtually
2 all files going back years on these cloud drives had been deleted.

3 68. The FBI obtained Plaintiff's passwords from his hard drives and deleted
4 files, pictures, PowerPoint slides, and video presentations. Desperately hoping for a
5 miracle to verify that he was not overlooking any files, Plaintiff contacted UOPX Faculty
6 Technical Support in hopes of locating files in some nook and cranny in cyberspace.
7 Disappointingly he was told that essentially all files had indeed been deleted, which was
8 a highly unusual, deliberate act. Though crestfallen, this troubling information
9 strengthened Plaintiff's suspicions that deleting his files in the backup cloud drives was
10 nefarious. He surmised that this was not the work of a random, highly skilled
11 technological whiz of a man living on the street. Moreover, no attempt was made to
12 access Plaintiff's bank accounts or steal his identity. Instead, the perpetrators wanted to
13 obtain Plaintiff's invaluable, innocuous information in his computer files and deny
14 Plaintiff access.
15

16 69. In the face of all odds, Plaintiff took an even deeper dive into where the files
17 were, resting heavily on his substantive training over the decades. To bolster his
18 confidence and escape depression, Plaintiff reminded himself that with a Ph.D. in
19 computer information systems, a master's degree in management, and a bachelor's
20 degree in information systems management, all acquired during his ten years (1979 —
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1 1989) of employment with International Business Machines (IBM), he could find
2 something that perhaps UOPX Technical Support may have missed.

3 70. Furthermore, as clearer thinking repositioned the trauma that the FBI theft
4 caused, Plaintiff began to gather himself as he revisited his qualifications. He mused that
5 he worked as a civilian for the LAPD from 1994 — 2004, primarily as a Systems Analyst
6 II, but also as an Assistant-Officer-in-Charge (AOIC) with the rank equivalency of
7 sergeant.
8

9
10 71. Plaintiff's reassessment led to a breakthrough. He was pleased to find the
11 United States Patent and Trademark Office (USPTO) file correspondence and
12 information related to his trademark issuance and patent application in a cloud drive that
13 the FBI and UOPX Faculty Support missed. His excitement, however, as short-lived.
14 When he attempted to open the files, he discovered that each one had been systematically
15 corrupted sophisticatedly, as indicated by a small peach³ colored square in the lower left
16 of the file icon, whether an Adobe in a Portable Document Format (.pdf or Microsoft
17 Word file. Plaintiff took a photograph of the 6 screen displaying the files. To Plaintiff's
18 consternation, these cloud drive files have since mysteriously disappeared, a feat that the
19 FBI's cyber operations no doubt easily performed.
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25 **H. Chronological Details After FBI Conversion of Plaintiff's Property.**

26 72. Starting with the act of conversion, the following chronological presentation
27 is of a few instances when Plaintiff reported to various law-enforcement agencies that he
28

1 was being stalked, harassed, nearly run off the freeway, and other ways threatened by the
2 FBI's illegal activities. These events paint a clearer picture of the ~ 6 circumstances
3 surrounding the theft of Plaintiff's personal property:
4

5 73. On Saturday, **November 26, 2022**, the FBI wrongfully took and withheld
6 from Plaintiff's possession personal property in the form of computers and other articles,
7 intending to permanently deprive Plaintiff of the benefit of said property as he dined at
8 Panera Bread in Cerritos, California.
9

10 74. On Sunday, **November 27, 2022**, the day after the theft, Plaintiff received
11 the following text message on his Samsung A 10e (number ending in 26 6224): "Thanks
12 for filing a stolen device claim with Assurant for your T-Mobile device." The stolen
13 device was Plaintiff's Samsung A32-SG (number ending in 8440), which the FBI
14 wrongfully took and withheld from Plaintiff's possession with the intention to
15 permanently deprive Plaintiff the benefit of said property as he dined at Panera Bread in
16 Cerritos, California.
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20 75. On Monday, **November 28, 2022a** (5:42 a.m.), Plaintiff received the
21 following text message on his Samsung A 10e (number ending in 6224): "Assurant:
22 Here's your tracking number for your replacement device shipped 11/27/2022." This
23 necessary action was because the FBI wrongfully took and withheld from Plaintiff's
24 possession his Samsung A32-SG number ending in 8440 with the intention to
25 permanently deprive Plaintiff of the benefit and use of this cell phone.
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1 76. On Monday, **November 28, 2022b**, Plaintiff purchased anew computer
2 laptop from Best Buy (00008722), Lakewood Blvd., Downey, California in the amount of
3 \$663.99 because the FBI wrongfully took and withheld from Plaintiff's Microsoft
4 Surface Pro 4 tablet computer possession with the intention to permanently deprive
5 Plaintiff the benefit of said tablet computer.
6

7
8 77. On Monday, **November 28, 2022c**, Detective Aguirre of the LASD Cerritos
9 station told Plaintiff that a detective was sent to Panera Bread to view the video of
10 larceny being committed as the undercover FBI agent stole Plaintiff's computer items on
11 November 26, 2022. The reality of the actual existence of this hard evidence stressed
12 Plaintiff out even more.
13

14
15 78. On Tuesday, **November 29, 2022**, Plaintiff received his replacement cell
16 phone, a Samsung A32-SG, with the number ending in 8440. This replacement cell phone
17 was necessary because the FBI wrongfully took and withheld from Plaintiff his original
18 cell phone, intending to permanently deprive Plaintiff of the benefit of its usage.
19

20 79. On Wednesday, **December 7, 2022**, Plaintiff was in Murietta, California, to
21 teach a class at the University of Phoenix Learning Center when he saw a man fitting the
22 description of the undercover FBI agent (Agent A for this date entry) described by the
23 Panera Bread server. Given that an FBI cyber ops team had stalked Plaintiff to the
24 University of Phoenix Learning Center in Ontario, California, it was not a stretch to
25 conclude that they would following him to the Murietta Center.
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1 80. Agent A appeared at the Shell gas station off the Murietta Hot Springs exit
2 of the freeway, where Plaintiff was getting gas before class. Agent A, with an empty gas
3 container in hand, approached Plaintiff, pretending that he was low on gas, and was
4 unsure if he and his “girlfriend” sitting in the passenger side front seat (another FBI
5 agent, Agent B) would make it to San Diego to get her car. After exchanging greeting
6 pleasantries,
7
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9 81. Agent A asked Plaintiff if Plaintiff could loan him some money for gas.
10 Plaintiff responded that he would rather pay directly for the gas with his debit card.
11 Plaintiff, who suspected Agent A was indeed an FBI agent, had filled his own tank and
12 volunteered to pump Agent A’s gas. Plaintiff then asked Agent A how much gas it takes
13 to fill the tank. This simple question stumped Agent A, who needed to determine the
14 answer. Befuddled, Agent A asked his “girlfriend” partner, Agent B, who confidently
15 answered, “65 dollars.” It struck Plaintiff as odd that Agent B knew precisely how much
16 it took to fill the car, even though it was not hers. Plaintiff’s LAPD detective training
17 informed him of suspicious activity.
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22 82. Agent B now emerged from the passenger side with a box of jewelry in her
23 hand and gave Plaintiff the option to select any two that he desired to thank him for his
24 generosity, saying that it would be a nice gift for Plaintiffs “wife or girlfriend.” This kind
25 gesture of gratitude alerted Plaintiff that these were indeed FBI agents. After declining
26 the offer, it occurred to Plaintiff that Agent B just said, “wife or girlfriend.”
27
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1 83. Plaintiff's training as a psychologist, as well as his detective training, caused
2 his to ponder, "Why didn't she include daughter, granddaughter, mother, sister, or other
3 female relative? How does she know that I am not gay, and don't have a female
4 significant other?" Plaintiff knew the answers to these questions. He was acutely aware
5 that the FBI knew that his mother was deceased, he was estranged from his daughter,
6 granddaughter, and sisters, and that was a Christian minister, he was neither gay nor
7 bisexual. These two agents disguised themselves at the Shell station, intending to hinder
8 Plaintiff's enjoyment of peace and privacy.
9
10

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12 84. On Thursday, **December 8, 2022**: Stressed and desperate, Plaintiff
13 discovered corrupted files after taking a deeper dive into one of his cloud drives. This
14 clearly showed that these filets were purposefully, deliberately, and strategically
15 corrupted. This act was further confirmation that the FBI wrongfully i ~ took and
16 withheld from Plaintiff's possession his computer files with the intention to deprive
17 Plaintiff of the benefit of these files permanently.
18
19

20 85. On Tuesday, **December 13, 2022**: Plaintiff emails Dr. Don K. Nakayama,
21 editor of The American Surgeon and a fellow member American College of Surgeons,
22 requesting a copy of the manuscript he submitted since the original was on one of
23 Plaintiff's computers that the FBI wrongfully took and withheld from Plaintiff's
24 possession intending to permanently deprive Plaintiff the benefit of having the file on the
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1 stolen computer. The FBI conspired to oppress Plaintiff by denying him the opportunity
2 to be published.

3 86. On Wednesday, **December 14a, 2022**: Plaintiff sent Nakayama a grateful
4 email acknowledging receipt of the manuscript file, unaware that the FBI was conspiring
5 to injure Plaintiff to procure him to be charged or arrested for espionage.
6

7 87. On Thursday, **December 14b, 2022**, Plaintiff received a bogus email from
8 the FBI pretending to be Nakayama, with Nakayama (who is Japanese American) dressed
9 in Communist Chinese military attire, unaware that the FBI was conspiring to injure
10 Plaintiff, to procure him to be charged or arrested for espionage.
11

12 88. On Friday, **December 14c, 2022**, Plaintiff forwarded a copy of said
13 incriminating email to his alternate email address, fearing that the FBI's cyber operations
14 unit might delete it. This unit had already hijacked Plaintiff's Gmail account several
15 times, forcing Plaintiff to recover it repeatedly. Already struggling emotionally under the
16 duress of having the FBI steal his items, Plaintiff felt that the FBI's intervention in emails
17 between him and Nakayama was one of the more egregious acts to sabotage Plaintiff's
18 career. All the while, Plaintiff was unaware that the FBI was conspiring to injure Plaintiff
19 to procure him to be charged or arrested for espionage.
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25 89. On Thursday, **December 15, 2022**, Plaintiff filed a complaint with the DOJ
26 Office of Professional Responsibility and received a submission acknowledgment.
27 Plaintiff had reason to be downcast given that since a FISA warrant is involved, the DOJ
28

Office of Professional Responsibility would pervert or obstruct justice or the due administration of the laws in an effort to preserve the FISA warrant arrangement.

90. On Tuesday, **January 3a, 2023**, Plaintiff called the Department of Justice Office of the Inspector General Investigative Division three times on the 6 morning of Tuesday, January 3, 2023 (7:36 am, 7:43 am, and 8:17 am, all Pacific Standard Time). There was no answer the first time. It rang several times until it switched to a busy signal. Someone answered but was silent before they disconnected the second time. And, like the first time, there was no answer the third time. Plaintiff was convinced that the Department of Justice Office of the Inspector General Investigative Division was doubling down on their conspiracy to Pervert or obstruct justice or the due administration of the laws in an effort to 16 preserve the FISA warrant process.

91. On Tuesday, **January 3b, 2023**, at 8:30 a.m., Plaintiff submitted an 1 9 official complaint to the U.S. Department of Justice Office of the Inspector 20 General at 8:29 a.m. [See Exhibit 12]. In Plaintiff s words, submitting a complaint 21 22 to the Department of Justice was tantamount to the “fox guarding the henhouse.” 2~ Plaintiff was sure that the Department of Justice Office of the Inspector General 24 25 was bolstering its position to conspire to pervert or obstruct justice or the due 26 administration of the laws in an effort to preserve the FISA warrant process.

92. On Tuesday, **January 6, 2023**, Plaintiff called the Department of Justice and creatively reached an employee (“Cheryl”). After Plaintiff explained to a startled Cheryl

1 how he managed to get her, he related that he was attempting to call someone in the
2 OIG's Investigative Division but that the lines were not working correctly. Cheryl
3 nervously stated that it was not her section but that he was trying to connect with, but that
4 she would transfer Plaintiff to "Anthony." Plaintiff repeated to Anthony how he reached
5 him, after which Anthony apologized for the lines not working and said he would report
6 that the main number was inoperative. After consulting his supervisor, Anthony provided
7 Plaintiff with two alternative telephone numbers for the OIG Investigative Division.
8 Plaintiff perceived these tactics as part of the conspiracy to pervert or obstruct justice or
9 the due administration of the laws in an effort to preserve the FISA warrant process.
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12
13 91. On Thursday, **January 12, 2023**, Plaintiff called the main telephone number
14 for the OIG Investigative Division and spoke with a person identifying herself as
15 Operator 6. When Plaintiff asked her approximately how long it would take for his
16 complaint to be addressed, she stated that there was no time frame, and neither was there
17 a way to expedite the process. Plaintiff expressed his disappointment and hoped to be still
18 alive if and when they got around to his complaint because he had good reason to believe
19 that the FBI had bugged his cell phones. He shared that since he submitted the complaint,
20 numerous suspicious cars, with high-intensity bright headlights, have been following
21 him, and that any and everywhere he went—whether to the grocery store, gym, or cafe
22 shop—some suspicious characters) invariably showed up, some with a white earpiece in
23 many cases. Plaintiff surmised that he was being put off by Operator 6 as part of the
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1 conspiracy to pervert or obstruct justice or the due administration of the laws in an effort
2 to preserve the FISA warrant process. The FBI stalked Plaintiff with the intention to
3 harass him by aggressively surveilling him, causing Plaintiff distress and fearing for his
4 life and safety.

5
6 92. On Tuesday, **January 24, 2023**, Plaintiff called the LASD station in
7 Cerritos, California, to inquire about the investigation of his items stolen from Panera
8 Bread and spoke with Detective Aguirre. According to Detective Aguirre, a 16 detective
9 was sent to Panera Bread to view the video of the crime, which clearly showed Plaintiff's
10 items being stolen on November 26, 2022. Regrettably, for nearly two months, no one
11 from the Sheriff's Department ever contacted Plaintiff. Moreover, Detective Aguirre told
12 Plaintiff that the case was open indefinitely. Plaintiff believes that the stalling on the part
13 of Detective Aguirre was inspired by the FBI and is part of the conspiracy to pervert or
14 obstruct justice or the due administration of the laws.

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19 **V. FIRST CAUSE OF ACTION VIOLATION OF THE UNITED STATES**
20 **CONSTITUTION (BIVENS CLAIM) (Against All Defendants)**
21

22 93. Plaintiff incorporates by this reference the preceding allegations of this
23 complaint and the allegations set forth in the remainder of the complaint.

24
25 94. Due to DR. CARR having traveled to Communist Red China, the Soviet
26 Union, Cuba, the Defendant FBI stole Plaintiff's computers in hopes of finding files that
27
28

1 would incriminate him as a spy for the Red Chinese government. Defendants ruthlessly
2 cyberstalked and gang stalked Plaintiff and terrorized him in the process.

3
4 95. Given that unnamed FBI Special Agents were working under the authority
5 of FISA warrant, they acted within the scope of their employment and with the consent
6 and knowledge of the United States government, the DOJ, and USAO.

7
8 96. The acts and conduct of the Defendants as alleged above constitute a
9 violation of Plaintiffs Fourth Amendment rights under the United States Constitution, and
10 said Defendants are liable for Plaintiff's injuries and damages herein described.
11 Specifically, abusing their authority to operate under the authority granted them under a
12 FISA, Defendant FBI seized personal, academic, business, and professional computer
13 files, which constitutes a violation of his right to be free from unreasonable and unlawful
14 seizure under the Fourth Amendment.
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18 97. In depriving Plaintiff of his rights under the United States Constitution and
19 under the laws of the State of California, the Defendants demonstrate malice, oppression,
20 and a willful disregard for the rights of Plaintiff. Defendants exhibited a reckless
21 indifference and wanton disregard for Plaintiff's rights and as a direct result, Plaintiff has
22 suffered and continues to suffer substantial losses related to the loss of wages, loss
23 opportunities for submitting research papers and receiving speaking assignments at
24 conferences sponsored by the APA, AMA, and ACS, and is entitled to recover
25 compensatory and punitive damages, as well as Court costs.
26
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**VI. SECOND CAUSE OF ACTION DEPRIVATION OF LIBERTY AND
PROPERTY INTEREST IN FUTURE EMPLOYMENT (BIVENS CLAIM)
(Against All Defendants)**

98. Plaintiff incorporates by reference the preceding allegations of this complaint and the allegations set forth in the remainder of the complaint.

99. On November 26, 2022, due to Defendant FBI theft of DR. CARR's computers with an address book with academic and business contacts from around the world and files of unfinished books or books in the process of being revised Defendants violated DR. CARR'S Fifth Amendment rights to liberty and property under the Due Process Clause and DR. CARR was injured in respect to his position as president and CEO of Scholar Technological Institute of Research, Inc., his profession as a university instructor, and his prospects as a lecturer at various professional conference and events.

100. Since the publishing of the present complaint by DR. CARR on March 10, 2023, readily appears during a Google search, educational institutions and colleagues have shunned him, given the perceived respectability and of the FBI and DOJ. Hence, without knowing the facts of the case, especially given that collectively all Defendants are seen as the United States of America, DR. CARR's reputation is ruined as a legitimate scholar with worldwide recognition.

101. Subsequent to the conversion of DR. CARR's computers by Defendant FBI, and subsequent to Plaintiff filing this complaint, Defendants' counsel, AUSA Jill S.

1 Casselman, called or label DR. CARR, who is a well-respected psychologist,
2 “delusional” in the public record. Consequently, stemming from the initial conversion,
3 his reputation is further damaged given the weight of her title, because this allegation
4 called into question the integrity and reliability of DR. CARR’s qualifications.
5

6 102. In depriving DR. CARR of his Fifth Amendment rights to liberty and
7 property in employment, the Defendants have demonstrated malice, oppression, and a
8 willful disregard for the rights of DR. CARR. Defendants exhibited a reckless
9 indifference and wanton disregard for DR/ CARR and have harmed DR/ CARR by
10 instigating the above-described events.
11
12

13 **VII. THIRD CAUSE OF ACTION CONSPIRACY TO VIOLATE UNITED**
14 **STATES CONSTITUTION (BIVENS CLAIM) (Against All Defendants)**
15

16 103. Plaintiff incorporates by reference the preceding allegations of this
17 complaint and the allegations set forth in the remainder of the complaint.
18

19 104. Beginning in or about November 22, 2022, and continuing to the date of this
20 Complaint, Defendants FBI, DOJ, and DOES 1-10, persons whose exact identities and
21 roles are not presently precisely known to Plaintiff, conspired, confederated, and agreed
22 together and with others to violate the rights of Plaintiff DR. CARR as guaranteed to him
23 under the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution.
24 DR. CARR will seek leave to amend this Complaint to include the names, offices, duties,
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26
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28

1 and roles of those conspirators named herein as DOES 1-10 when, and as discovery
2 discloses the identities and roles of the conspirators.

3
4 105. The constitutional rights of DR. CARR which were violated by the conduct
5 of the conspirators includes, but is not limited to: (1) his right to be free from
6 unreasonable search and seizure under the Fourth Amendment; (2) his right to the
7 peaceful and useful enjoyment of his property rights in his various professions such as
8 university instructor, health psychologist, company CEO, and Bible scholar, under the
9 Fifth and Fourteenth Amendments; (3) his right to the exclusive and undisturbed
10 possession of his personal property, including all his computer files with proprietary
11 information, under the Fifth and Fourteenth Amendment; and (4) his right to enjoy an
12 unsullied personal and professional reputation, free from unfounded and spurious
13 allegations of personal and professional misconduct under the Fifth and Fourteenth
14 Amendments.
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19 106. The objects of the conspiracy are as follows:

20 (a) Defendants conspired with non-party Panera to hide the identify of
21 Defendant FBI, who stole Plaintiff computers and related items and equipment, from
22 Plaintiff.
23
24

25 107. In furtherance of the conspiracy to violate DR. CARR'S constitutional
26 rights, Defendants performed, among others, the following overt act in their individual
27 capacities to accomplish the objects of the conspiracy:
28

1 (a) Defendants conspired with non-party Panera to hide the identify of
2 Defendant FBI, who stole Plaintiff computers and related items and equipment, from the
3 Court, specifically Magistrate Judge Mria Audero by influencing Panera to withhold
4 damning FISA warrant documentation.
5

6 108. The foregoing overt acts are part of a single ongoing effort to harm and
7 punish DR. CARR for no good cause and to further violate DR. CARR's constitutional
8 rights to be free from unreasonable search and seizure, and to have undisturbed use and
9 possession of his personal property and to have and enjoy the fruits of his professional
10 endeavors and notable accomplishments and unblemished reputation.
11
12

13 109. DR. CARR is therefore entitled to an award of compensatory and punitive
14 damages.
15

16 **VIII. FOURTH CAUSE OF ACTION**

17 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS (FTCA CLAIM)**

18 **(Against all Defendants)**

19
20 110. Plaintiff incorporates by reference Paragraphs 1 through 53.
21

22 111. Defendants' bold theft of his computers and related item was shocking and
23 outrageous to the degree that it caused DR. CARR severe emotional distress.
24

25 112. At all times herein mentioned, Defendant's agents were acting within the
26 course and scope of their employment, in their official capacity, for the FBI and DOJ.
27
28

1 113. DR. CARR suffered humiliation, mental anguish, and emotional and
2 physical distress, and has been injured in mind and body as the proximate result of the
3 aforementioned acts. As a further proximate cause of the aforementioned acts, DR.
4 CARR, a Health Psychologist, has found it necessary to employ various self-care
5 techniques since he does not subscribe to Allopathic, Biomedicine, or Conventional
6 medicine, but has determined the comparable costs.
7
8

9 114. The conduct of Defendant FBI Special Agents was intentional and malicious
10 and done for the purpose of causing DR. CARR to suffer humiliation, mental anguish,
11 and emotional and physical distress. The conduct of Defendant's agents was done with
12 the knowledge that DR. CARR's emotional and physical distress would thereby increase,
13 and was done with a wanton and reckless disregard of the consequences to DR. CARR.
14
15

16 115. Under the Federal Tort Claims Act, Defendants, including the United States
17 of America, are liable for the actions set forth above which were committed by
18 Defendants while under the scope and authority of their offices and employment.
19

20 116. DR. CARR is therefore entitled to an award of compensatory and punitive
21 damages.
22

23 **IX. FIFTH CAUSE OF ACTION NEGLIGENT INFLICTION OF EMOTIONAL**
24 **DISTRESS (FTCA CLAIM) (Against all Defendants)**
25

26 117. Plaintiff incorporates by reference Paragraphs 1 through 53.
27
28

1 118. The conduct of Defendants and their agents who stole DR. CARR's
2 computers was shocking and outrageous to the degree that it caused DR. CARR severe
3 emotional distress.
4

5 119. The Defendants were negligent in failing to effectively supervise Defendant
6 unnamed FBI Special Agents by failing to monitor the course of their surveillance of DR.
7 CARR's movements and actions so as to prevent the theft of Plaintiff's computers.
8

9 120. At all times herein mentioned, Defendants were acting within the course and
10 scope of their employment, in their official capacity, for the FBI and DOJ.
11

12 121. As the proximate result of the aforementioned acts, DR. CARR suffered
13 humiliation, mental anguish, and emotional and physical distress, and has been injured in
14 mind and body as the proximate result of the aforementioned acts. As a further proximate
15 cause of the aforementioned acts, DR. CARR, a Health Psychologist, has found it
16 necessary to employ various self-care techniques since he does not subscribe to
17 Allopathic, Biomedicine, or Conventional medicine, but has determined the comparable
18 costs.
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22 122. Under the Federal Tort Claims Act, defendants, including the United States
23 of America, are liable for the actions set forth above which were committed by
24 Defendants while under the scope and authority of their offices and employment.
25

26 123. DR. CARR is therefore entitled to an award of compensatory and punitive
27 damages.
28

X. SIXTH CAUSE OF ACTION CONVERSION (FTCA CLAIM)

(Against all Defendants)

124. Plaintiff incorporates by reference Paragraphs 1 through 53.

125. Defendant FBI is guilty of stealing Plaintiff's computers and related equipment.

126. At all times mentioned, unnamed Special Agent Defendants of the FBI were acting within the course and scope of their employment, in their official capacity. The FISA warrant documentation in the possession of non-party Panera is evidence that said FBI Special Agents were on duty at all times during the theft.

127. At all times mentioned, unnamed Defendant FBI Special Agents were acting within the course and scope of thier employment, in their official capacity, for DOJ. DR. CARR suffered discomfort and annoyance and experienced mental suffering caused by the fear of prosecution after being framed as a Chinese spy by the FBI without any ability to exonerate the claims against him as a proximate result of the unauthorized taking of DR. CARR's computers and associated items.

128. The aforementioned acts of Defendants were willful and malicious in that Defendants took DR. CARR's computers and other items and continue to retain it, and DR. CARR is therefore entitled to compensatory and punitive damages.

129. Under the Federal Tort Claims Act, defendants, including the United States of America, are liable for these actions which were taken under color of federal authority.

1 130. DR. CARR is therefore entitled to an award for compensatory damages.

2 **XI. SEVENTH CAUSE OF ACTION NEGLIGENCE (FTCA CLAIM)**

3 **(Against All Defendants)**

4
5 131. Plaintiff incorporates by reference Paragraphs 1 through 53.

6 132. Defendants owed a duty to Plaintiff and, as described above, breached their
7
8 duty to Plaintiff due to the negligent hiring and retention of Defendants named above,
9
10 and, as such, were a direct and proximate cause and a substantial factor in bringing about
11 Plaintiff's damages outlined above.

12 133. The actions of Defendants constitute the tort of negligence under the laws of
13
14 California.

15 134. The at all times mentioned herein, Defendants FBI, were acting within their
16
17 official capacity, within the course and scope of their employment.

18 135. Under the Federal Tort Claims Act, Defendants, including the United States
19
20 of America, are liable for these actions.

21 136. The aforementioned Defendants owed a duty of care to DR. CARR and their
22
23 negligence was a direct and proximate cause as well as a substantial factor in bringing
24
25 about the harm DR. CARR has suffered; thus, entitling him to compensatory and punitive
26
27 damages.
28

1 137. Under the Federal Tort Claims Act, defendants, including the United States
2 of America, are liable for any negligent or wrongful act or omission of any employee of
3 the Government.
4

5 138. DR. CARR is therefore entitled to an award for compensatory damages.

6 **XII. EIGHTH CAUSE OF ACTION INVASION OF PRIVACY (FTCA CLAIM)**

7 **(Against all Defendants)**
8

9 139. Plaintiff incorporates by reference Paragraphs 1 through 53.

10 140. Defendants invaded DR. CARR's privacy when they accessed his computer
11 files on his local drives and thereafter accessed confidential files on his cloud drives and
12 denied Plaintiff to all this files. The illegal confiscation of this computers with Word
13 documents, audio and video files was intentional and malicious with the purpose of
14 proving DR. CARR was spying for Communist Red China causing him to suffer
15 humiliation, mental anguish, and emotional and physical distress.
16
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19 141. At all times mentioned herein, Defendants were acting within their official
20 capacity, within the course and scope of their employment for the FBI and DOJ.
21

22 142. Under the Federal Tort Claims Act, defendants, including the United States
23 of America, are liable for the invasion of privacy, which occurred under color of federal
24 authority.
25

26 143. DR. CARR is therefore entitled to an award of compensatory damages.

27 ///
28

JURY DEMAND

144. Pursuant to [F.R.C.P. 38](#), Plaintiff hereby demands a trial by jury on all claims and counts so triable by right.

PRAYER

WHEREFORE, Plaintiff prays for judgment against Defendants, and all of them as follows:

(a) To enter judgment in favor of Plaintiff against Defendants, finding the acts of Defendants complained of herein in violation of the Fourth and Fifth Amendments of the United States Constitution and in violation of California Law.

(b) To enter judgment in favor of Plaintiff against Defendants and to remove from their positions as government officers those Defendants found to have engaged in any of the illegal practices charged in the instant complaint.

(c) To enter judgment in favor of Plaintiff against Defendants jointly and severally for compensatory damages based upon Plaintiff's emotional pain, suffering, inconvenience, mental anguish, and loss of enjoyment of life in the amount of \$10,000,000.

(d) To enter judgment in favor of Plaintiff against Defendants jointly and severally for special damages in an amount subject to proof at trial.

1 (e) To enter judgment in favor of Plaintiff against Defendants and order
2 Defendants to pay damages to Plaintiff and all attorney's fees and costs incurred herein
3 and for interest on any damage award at the legal rate.
4

5 (f) To grant all other such relief as law and justice may require and may be
6 appropriate.
7

8 Dated: August 28, 2023
9

10 /s/ Firpo Wycoff Carr
11

12 Firpo Wycoff Carr
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14 In Pro Se
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EXHIBIT 1

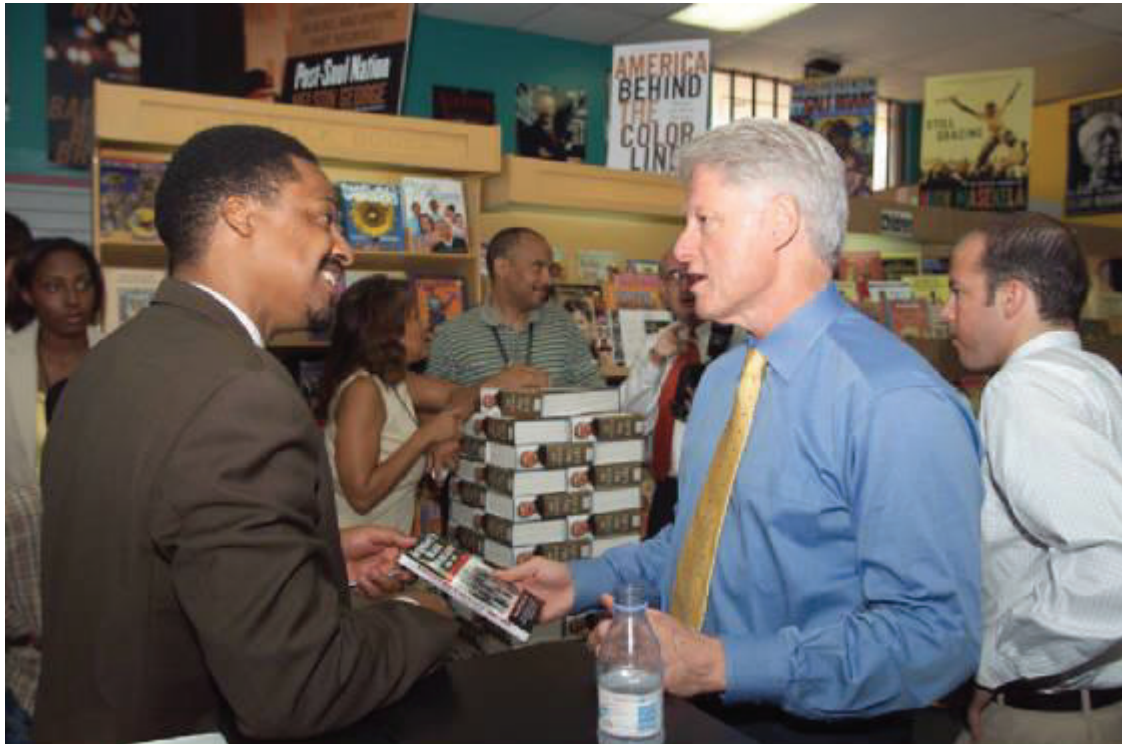


Exhibit 1: Dr. Carr and former President Bill Clinton.

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EXHIBIT 2

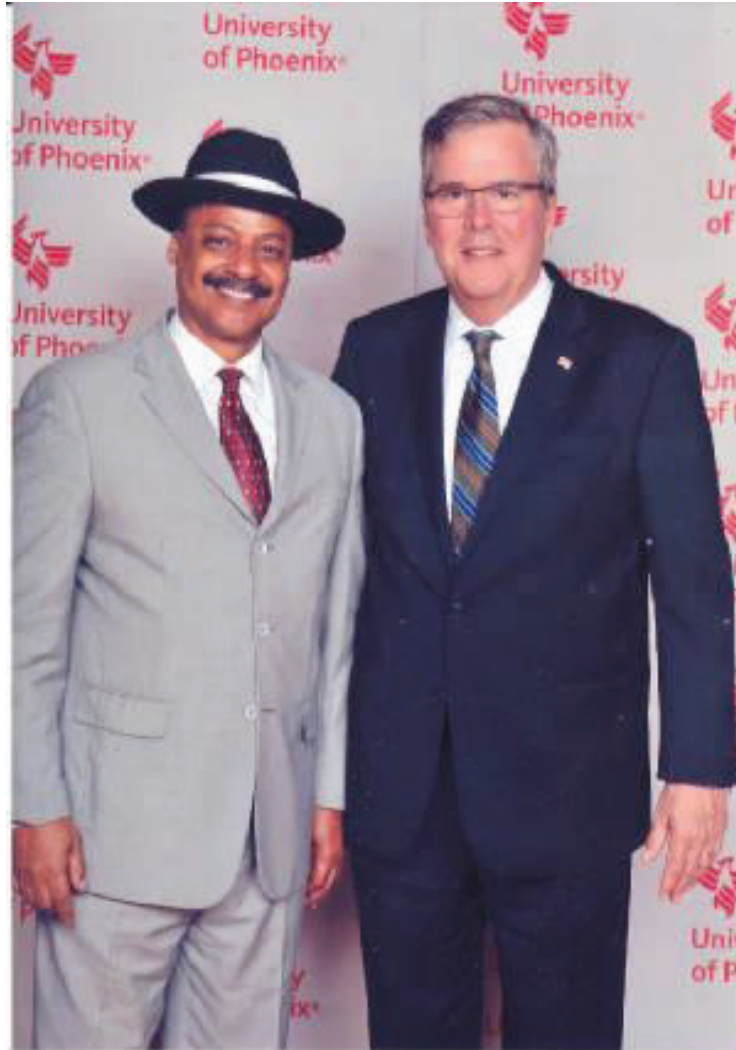


Exhibit 2: Dr. Carr and former Florida Governor Jeb Bush.

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EXHIBIT 3

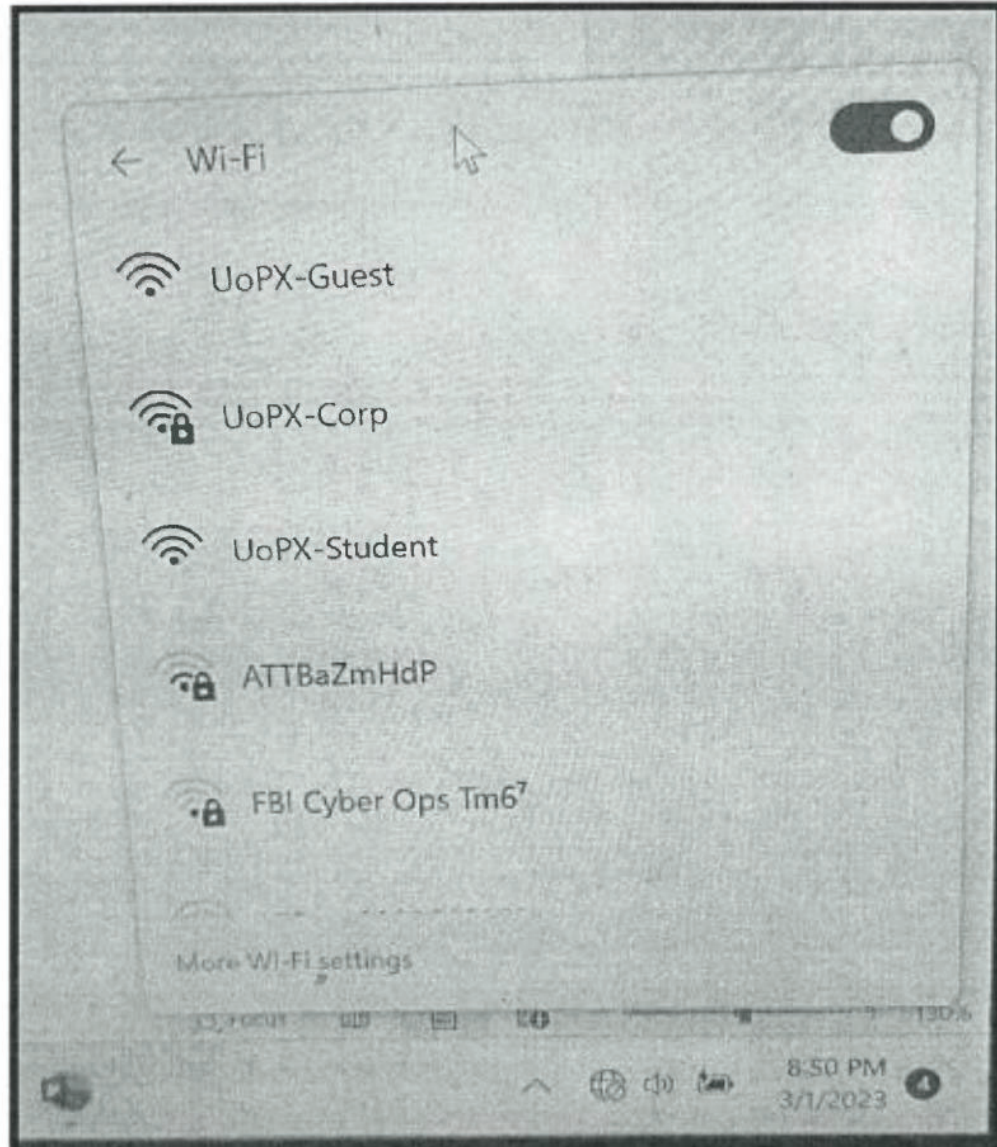


Exhibit 3: FBI Wi-Fi Icon

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EXHIBIT 4

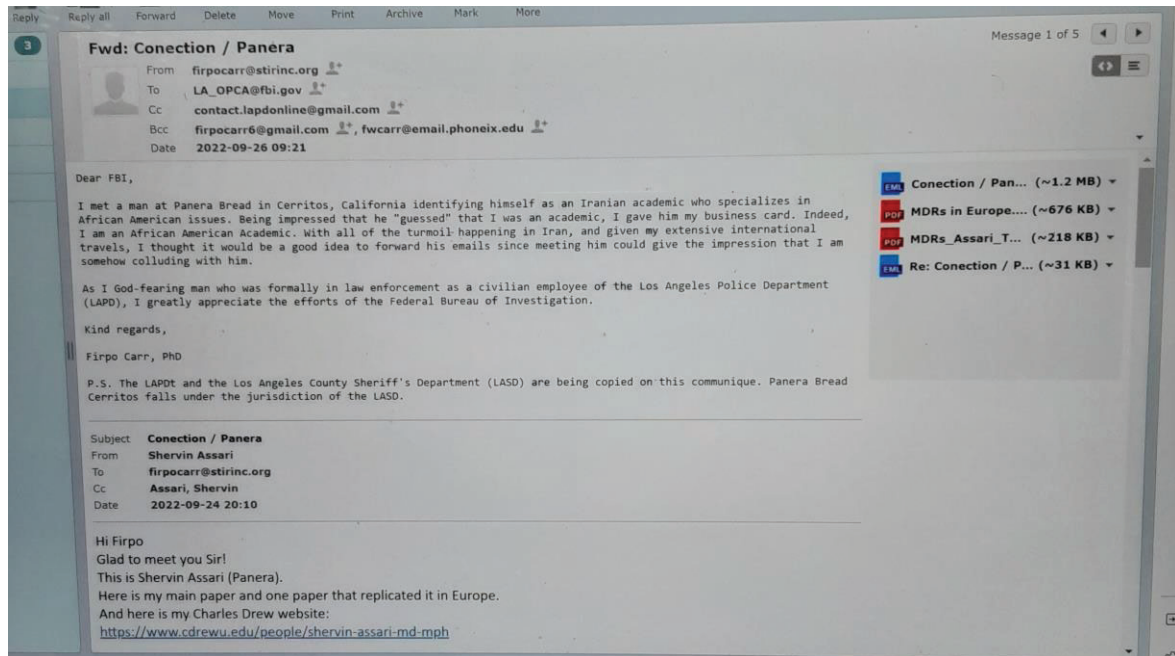


Exhibit 4: Plaintiff email to FBI

"Dear FBI, I met a man at Panera Bread in Cerritos, California identifying himself as an Iranian academic, who specializes in African American issues. Being impressed that the "guessed" that I was an academic, I gave him my business card. Indeed, I am an African American Academic. With all of the turmoil happening in Iran, and given my extensive international travels, I thought it would be a good idea to forward his emails since meeting him could give the impression that I am somehow colluding with him. As a God-fearing man who was formally in law enforcement, as a civilian employee with the Los Angeles Police Department (LAPD), I greatly appreciate the efforts of the Federal Bureau of Investigation. Kind regards, Firpo Carr, PhD. P.S. The LAPD... and the Los Angeles County Sheriff's Department (LASD) are being copied on this communique. Panera Bread Cerritos falls under the jurisdiction of the LASD." (Date: September 26, 2022. Time: 9:21 a.m.)

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EXHIBIT 5

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Unclassified

Filed
United States Foreign
Intelligence Surveillance Court

JAN 07 2020
LeeAnn Flynn Hall, Clerk of Court

UNITED STATES
FOREIGN INTELLIGENCE SURVEILLANCE COURT
WASHINGTON, D.C.

IN RE CARTER W. PAGE, A U.S. PERSON	Docket Nos: 16-1182, 17-52, 17-375, 17-679
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ORDER REGARDING HANDLING AND DISPOSITION OF INFORMATION

Thanks in large part to the work of the Office of the Inspector General, U.S. Department of Justice, the Court has received notice of material misstatements and omissions in the applications filed by the government in the above-captioned dockets. See Docket No. Misc. 19-02, Order (Dec. 17, 2019; DOJ OIG, *Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation* (Dec. 2019 (revised))). DOJ assesses that with respect to the applications in Docket Numbers 17-375 and 17-679, "if not earlier, there was insufficient predication to establish probable cause to believe that [Carter] Page was acting as an agent of a foreign power." *Additional Rule 13(a) letter regarding applications submitted to the Court targeting Carter W. Page in Docket Numbers 2016-1182, 2017-0052, 2017-0375, and 2017-0679* (Dec. 9, 2019), at 19 ("December 9, 2019 Letter").

The government further reports that the FBI has agreed "to sequester all collection the FBI acquired pursuant to the Court's authorizations in the above-listed four docket numbers targeting [Carter] Page pending further review of the OIG Report and the outcome of related investigations and any litigation." *Id.* at 19-20. The government has not described what steps are involved in such sequestration or when it will be completed. It has, however, undertaken to "provide an update to the Court when the FBI completes the sequestration" and to "update the Court on the disposition of the sequestered collection at the conclusion of related investigations and any litigation." *Id.* at 20. To date, no such update has been received.

The Court understands the government to have concluded, in view of the material misstatements and omissions, that the Court's authorizations in Docket Numbers 17-375 and 17-679 were not valid. The government apparently does not take a position on the validity of the authorizations in Docket Numbers 16-1182 and 17-52, but intends to sequester information acquired pursuant to those dockets in the same manner as information acquired pursuant to the subsequent dockets.

Title I of the Foreign Intelligence Surveillance Act, codified as amended at 50 U.S.C. §§ 1801-1813, governs electronic surveillance conducted for foreign intelligence purposes. It requires minimization procedures "that are reasonably designed . . . to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning

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Exhibit 5: FISC Order; Page 1 of 2

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unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information." 50 U.S.C. § 1801(h)(1). It also makes it a crime to "intentionally . . . disclose[] or use[] information obtained under color of law by electronic surveillance, knowing or having reason to know that the information was obtained through electronic surveillance not authorized" by FISA or another "express statutory authorization." § 1809(a)(2).

In order for the Court to assess whether the handling and disposition of the information acquired pursuant to the above-captioned dockets comport with these provisions of FISA, IT IS HEREBY ORDERED as follows:

1. By January 28, 2020, the government shall make a written submission regarding the FBI's handling of information obtained pursuant to the above-captioned dockets. That submission shall include:

- a. a detailed description of the steps taken or to be taken to restrict access to such information in unminimized form, including how many personnel have access and for what purposes they may examine or retrieve it;
- b. a detailed description of the steps taken or to be taken to restrict access to such information in any other form, including any information that may have been disclosed or disseminated to DOJ prosecutors or other persons outside of the FBI;
- c. to the extent applicable, a timetable for completing any such steps that have not yet been completed;
- d. explanations of the "further review of the OIG Report" and "related investigations and any litigation" that are referenced in the December 9, 2019, Letter as requiring the retention of such information, including copies of any orders of other courts relating to the preservation of, or access to, such information; and
- e. an explanation of why the retention of such information in the manner intended by the government, and any contemplated use or disclosure of it, comport with the above-referenced provisions of FISA; and

2. In order to facilitate consideration of whether the Court should publish this Order pursuant to FISC Rule of Procedure 62(a), the government shall, by January 21, 2020, complete a declassification review of this order and submit to the Court a copy of such order with any redactions it would propose in the event of publication.

ENTERED this 2nd day of January 2020.

JSD
JAMES E. BOASBERG
Presiding Judge, United States
Foreign Intelligence Surveillance Court

I, Clerk of Court, certify that this document is a true and correct copy of the original.

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Page 2

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EXHIBITS 6 & 7



13
14 **Exhibit 6: A spoofed email photo of Dr. Don K. Nakayama.**



24 **Exhibit 7: An authentic photo of Dr. Don K. Nakayama.**

ATTACHMENT: Clerical corrections for First Amended Complaint

The Honorable Judge Otis D. Wright, II

Case No.: 2:23-cv-01813-ODW-MAA

Case nae: Dr. Firpo Wycoff Carr, PhD v. Federal Bureau of Investigation and
United States Department of Justice.

Author: Firpo Wycoff Carr, in Pro Se

Corrections:

1. “AMENDED” (hand printed, removed) page 1, line 11
2. “UNITED STATES OF AMERICA” (added) page 1, line 14
3. “(AMENDED)” (typed, added) page 1, line 15
4. “VII” (added) THIRD CAUSE... page 40, line 13
5. “VIII” (added) FOURTH CAUSE ... page 42, line 16
6. “IX” (added) FIFTH CAUSE ... page 43, line 23
7. “X” (added) SIXTH CAUSE ... page 45, line 1
8. “XI” (added) SEVENTH CAUSE ... page 46, line 2
9. “XII” (added) EIGHT CAUSE ... page 47, line 6
10. “GUZMAN” removed “DR. CARR” (added) page 47, line 26
11. “///” (added) page 47, line 28
12. “JURY DEMAND” (moved to next page) page 47, line 28 (was)
Page 48, line 1 (now)